



Fw: Follow-Up To Hampton VA WIP Duscussion

Ann Carkhuff to: Lucinda Power

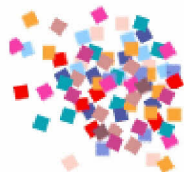
10/13/2010 10:49 AM

History:

This message has been replied to and forwarded.

FYI

----- Forwarded by Ann Carkhuff/R3/USEPA/US on 10/13/2010 10:48 AM -----



Ann Carkhuff/R3/USEPA/US

10/13/2010 10:20 AM

To "Perkinson, H. (DCR)" <Russ.Perkinson@dcr.virginia.gov>, "Pollock, Alan (DEQ)" <Alan.Pollock@deq.virginia.gov>, russ.baxter@deq.virginia.gov <Russ.Baxter@deq.virginia.gov>, "Gilinsky, Ellen (DEQ)" <Ellen.Gilinsky@deq.virginia.gov>, Robert Koroncai/R3/USEPA/US@EPA, Batiuk.Richard@EPA.GOV, Ning Zhou/CBP/USEPA/US@EPA, Brian Trulear/R3/USEPA/US@EPA, Patricia Gleason/R3/USEPA/US@EPA, jsweeney@chesapeakebay.net, <JSweeney@chesapeakebay.net>, Katherine Antos/CBP/USEPA/US@EPA, Jeffrey Corbin/R3/USEPA/US@EPA, Jack.Frye@dcr.virginia.gov, "Moore, Anthony (GOV)" <Anthony.Moore@governor.virginia.gov>, Jennifer Molloy/DC/USEPA/US@EPA, Evelyn MacKnight/R3/USEPA/US@EPA, Kelly Shenk/CBP/USEPA/US@EPA, Hank Zygmunt/R3/USEPA/US@EPA, Mark Dubin <mdubin@chesapeakebay.net>, Rick Hill <Rick.Hill@dcr.virginia.gov>, Bill Keeling <william.keeling@dcr.virginia.gov>, Arthur.Butt@deq.virginia.gov, Julie Winters/CBP/USEPA/US, Robert Wood/DC/USEPA/US, Bowles, Betsy (DEQ) <Betsy.Bowles@deq.virginia.gov>, "Brockenbrough, Allan (DEQ)" <Allan.Brockenbrough@chesapeakebay.net, David McGuigan/R3/USEPA/US,>
cc LaRonda Koffi/R3/USEPA/US@EPA, Jon Capacasa/R3/USEPA/US@EPA, James Edward/CBP/USEPA/US@EPA
Subject Fw: Follow-Up To Hampton VA WIP Duscussion

On Thursday, October 6, Anthony Moore and others from VA DCR and VA DEQ met with EPA to discuss questions/issues/conflicts regarding the Commonwealth WIP. Listed below are the key points from the meeting. We will use this for the basis of our calls but other issues may be added as well. Please either before the call or at the beginning of the call let me know specifically which points you would like to begin the discussion for this week. As you can imagine, we won't be able to get to everything, so I'd like you to prioritize them.

If you have not done so please fill out the Doodle meeting survey. As soon as I hear from everyone I will let you know the day and the time for the call this week. I will also be providing a call in number.

Thanks,
Ann Carkhuff
(215) 814-5735

----- Forwarded by Ann Carkhuff/R3/USEPA/US on 10/13/2010 08:49 AM -----

Jeffrey Corbin/R3/USEPA/US



10/10/2010 06:58 PM

To "Moore, Anthony (GOV)"
<Anthony.Moore@governor.virginia.gov>
cc "Paylor, David (DEQ)" <David.Paylor@deq.virginia.gov>,
"Johnson, David (DCR)" <David.Johnson@dcv.virginia.gov>,
"Baxter, Russ (DEQ)" <Russ.Baxter@deq.virginia.gov>,
'Russ Perkinson' <rperkinson@dcv.virginia.gov>,
alan.pollock@deq.virginia.gov,
john.kennedy@deq.virginia.gov,
ellen.gilinsky@deq.virginia.gov, Jack.Frye@dcv.virginia.gov
Subject Follow-Up To Hampton VA WIP Discussion

Anthony - Thanks for taking the time to meet with Bob Koroncai, Rich Batiuk, Ann Carkhuff and myself in Hampton on Thursday prior to the TMDL public meeting. To reiterate what we stressed at the meeting, it is critical that we meet frequently and resolve as many remaining questions and conflicts and finalize, as much as possible, all potential improvements to Virginia's WIP by the end of October. Doing so will allow us to use the remaining time until November 29 to further refine strategies, share information, and involve senior management on both sides as necessary.

Some key points from our meeting include:

- 1) Input Deck Issues - Technical issues remain regarding various aspects of Virginia's submitted input deck. EPA and Virginia staff will coordinate closely on resolving these issues to the greatest extent possible. Issues to be resolved include those listed in recent emails from DEQ and DCR including non-significant facilities and CSO loads.
- 2) Proposed Expansion of Nutrient Credit Exchange Program - Virginia has committed to submit a legislative study resolution in the 2011 session that would implement a stakeholder process to resolve necessary changes to Virginia's credit exchange program. Increased statutory authority will be sought in the 2012 legislative session based on the outcome of the stakeholder process. If attempts to expand the program are unsuccessful, Virginia acknowledges that significant revisions to the WIP will be needed. During future discussions we can further refine reasonable assurance requirements for this part of the WIP. We agreed to start sharing revised text for this section of the WIP so both Virginia and EPA can reach an understanding of the level of detail needed to assure reasonable assurance prior to November 29.
- 3) James River - EPA can not finalize a TMDL that does not fully attain the 2025 allocations for N, P, and sediment. Even with the proposed study of the James River chlorophyll science, Virginia will need to propose additional reduction actions in the final WIP to comply with the 2025 allocations. These proposed actions could be removed from the WIP at a future date subject to the results of the James River study. We did not reach agreement on the length of time for completing the proposed study, but now have a better understanding of why Virginia feels that 3 years of research and collection is needed. EPA staff will review several papers submitted by VAMWA and their consultants. Further discussion on this issue is needed. EPA is exploring possible mechanisms for providing a "Time Bridge" that will allow Virginia to include additional proposed POTW upgrades in the final WIP, but postpone implementation until Phase III (post-2017). Virginia agreed that if these post-2017 upgrades are needed (depending on the results of the James River study) they would have to be fully implemented by 2025. All parties will further explore possible options for overcoming implementation barriers and share viable solutions during a future discussion. Virginia also clarified that they anticipate some POTWs in the James River Basin to over-perform by approximately 10%. While these lower discharged loads will not be reflected as lower allocations in the general permit, Virginia agreed to further flesh out these proposed actions in the final WIP. This issue needs further discussion to also include optimization of select James River POTWs as

described during the James River phone meeting on August 24 between EPA, DEQ, and DCR.

4) Stormwater - MS4 permits issued after the TMDL is finalized must be in compliance with the TMDL. Virginia agreed that future MS4 permits must clearly acknowledge that the allocation for that locality is based on E3 levels of treatment. Language could also be included in the permits clarifying flexibility in meeting the allocation (i.e. potential trading expansion).

5) Septic - There was no resolution on how the proposed E3-level allocations for septic as proposed in the WIP will be achieved.

6) Agriculture - We did not discuss this issue, but should do so in a future meeting.

7) October 29 Face-to-Face Meeting - We will keep this date on our calendars, hopefully using it to finalize a comprehensive package of revisions that we will develop over the next several weeks.

8) Weekly Meetings - We will schedule a set time for weekly meetings to continue our dialogue. Ann Carkhuff will work with the appropriate DEQ and DCR staff during the week of October 11 to set this up.

9) EPA Resources - EPA is committed to making available experts from all of the pollution sectors to address technical issues as appropriate during our weekly meetings.

As I have said to you and agency staff privately, and many times publicly at our outreach meetings, it is EPA's desire to finalize a TMDL that incorporates allocations that are based on Virginia's final WIP. I remain optimistic that we can work together to develop a plan that meets the nitrogen, phosphorus and sediment allocation in all of Virginia's basins and provides sufficient reasonable assurance that proposed implementation actions can be fully achieved. I remain committed to helping make that happen.

Thanks...jc

Jeff Corbin
Senior Advisor to the Regional Administrator
U.S. EPA
(215)667-9304